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FILED
WILLIAMSPORT, PA

JAN 12 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MARY E. D'ANDREA, CLERK
Per ep
DEPUTY CLERK

ROBERT LEON BUCKNER,
Plaintiff

v.

Civil No. 1:CV-00-1594
(Caldwell, J.)

DR. ANTHONY BUSSANICH, M.D.,
and DONALD ROMINE, Warden, USP,
Defendants

DEFENDANTS' MOTION TO DISMISS

Defendants ask this Court to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney

Matthew E. Haggerty

MATTHEW E. HAGGERTY
Assistant U.S. Attorney
MICHELE E. LINCALIS
Paralegal Specialist
315 Federal Building
240 West Third Street
Williamsport, PA 17703

Dated: January 12, 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT LEON BUCKNER, :
Plaintiff :
v. : Civil No. 1:CV-00-1594
: (Caldwell, J.)
DR. ANTHONY BUSSANICH, M.D., :
and DONALD ROMINE, Warden, USP, :
Defendants :

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.


That on January 12, 2001, she served a copy of the attached

DEFENDANTS' MOTION TO DISMISS

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Robert Leon Buckner
Reg. No. 33001-037
LEC Unit K01-009L
P.O. Box 2000
Lewisburg, PA 17837


MICHELE E. LINCALIS
Paralegal Specialist